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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/679,472

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Anthony C. Fascenda

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EXAMINER

CHEN, SHIN HON

ART UNIT

PAPER NUMBER

2131

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/679,472	<b>Applicant(s)</b> FASCENDA, ANTHONY C.	
	<b>Examiner</b> SHIN-HON CHEN	<b>Art Unit</b> 2131	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 2/7/08.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-12 and 15-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 and 15-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                       | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>8/3/07</u> .  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. Claims 1-12 and 15-23 have been examined.

#### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-8 and 15-23 are rejected under 35 U.S.C. 102(e) as being anticipated by Knox U.S. Pub. No. 20030204443 (hereinafter Knox).

4. As per claim 1, Knox discloses a method for managing network access of a computing device, which is capable of communicating via one or more networks, where trusted enforcement of the access occurs at the device (Knox: [0016]: the prepaid internet switch) comprising the steps of: providing software adapted to be installed in the device (Knox:[0017]: installing the switch for communicating between the switch and the device), the software configured to communicate with a token operatively coupled to the device (Knox: [0017]: the computer communicate with the switch/token); storing a network access parameter in memory of a tamper-resistant secure token capable of being operatively coupled to said device, said network access parameter being associated with a first network, said token local to and removably attachable to said device (Knox: [0018]: the token can be disconnected from the device), said token

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comprising a processor configured to execute an application, said application configured to determine if said network access parameter has been met or exceeded (Knox: [0018] and figure 1: determine if network access is authorized); and granting the device access to the first network if the application determines that the network access parameter has been met or exceeded (Knox: [0018]; enable and disable the coupling between computer and network).

5. As per claim 2, Knox discloses the method of claim 1. Knox further discloses wherein said network access parameter is selected from the group consisting of: maximum number of connections to said first network, time of day, period of time, day in week, date, range of dates, maximum period of time spent connected to said first network, device address, subnet ID, and LAN ID (Knox: [0022]; tracks usage).

6. As per claim 3, Knox discloses the method of claim 1. Knox further discloses the step of storing one or more additional network access parameters in said secure token (Knox: [0022]).

7. As per claim 4, Knox discloses the method of claim 3. Knox further discloses the step of: determining if said one or more additional access parameters have been met or exceeded and denying access to said first network if any of said network access parameters have been met or exceeded (Knox: [0022]).

8. As per claim 5, Knox discloses the method of claim 3. Knox further discloses the steps of: determining if said one or more additional access parameters have been met and restricting

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access to a portion of said first network if any of said network access parameters have been met or exceeded (Knox: [0025]: restricting access to a portion of said first network and allow access to certain website to allow user to purchase more time).

9. As per claim 6, Knox discloses the method of claim 5. Knox further discloses wherein said portion of said first network includes a server and said method further comprising the steps of: authorizing additional usage of said first network at said server and modifying said network access parameter (Knox: [0023]: providing additional time from service manager to the switch).

10. As per claim 7, Knox discloses the method of claim 6. Knox further discloses wherein said step of authorizing comprises the step of receiving payment for said additional usage of said first network (Knox: [0023]: purchase additional time).

11. As per claim 8, Knox discloses the method of claim 3. Knox further discloses the step of determining if said one or more additional access parameters has been met and allowing access to said first network if all of said network access parameter have not been met (Knox: [0022]).

12. As per claim 15, Knox discloses the method of claim 1. Knox further discloses wherein said secure token is unique to said device (Knox: [0018]).

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13. As per claim 16, Knox discloses the method of claim 1. Knox further discloses wherein said secure token comprises authentication information for authenticating said device with said network (Knox: [0022]: provide verification signal to the service manager).

14. As per claim 17, Knox discloses the method of claim 1. Knox further discloses wherein said network access parameter is pre-stored within said secure token (Knox: [0016]: prepaid service).

15. As per claim 18-23, claims 18-23 encompass the same scope as claims 1-8 and 15-17. Therefore, claims 18-23 are rejected based on the same reason set forth above.

***Claim Rejections - 35 USC § 103***

16. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

17. Claims 9-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Knox.

18. As per claim 9, Knox discloses the method of claim 3. Knox does not explicitly disclose wherein at least one of said additional network access parameters is associated with a second network. However, it would have been obvious to one having ordinary skill in the art to apply

the method disclosed by Knox to a plurality of networks so that users have flexibility of choosing available networks associated with the switch.

19. As per claim 10, Knox discloses the method of claim 1. Knox does not explicitly disclose wherein said first network is an 802.11 network. However, Knox discloses the switch is connected between the computer and a router through suitable couplings. Therefore, it would have been obvious to one having ordinary skill in the art to connect the switch wireless to a wireless router operating in 802.11 protocol.

20. As per claim 11, Knox discloses the method of claim 10. Knox further discloses wherein said secure token is implemented through a USB adapter (Knox: [0017]: USB).

21. As per claim 12, Knox discloses the method of claim 10. Knox further discloses wherein current time is received from an access point on said 802.11 network (Knox: [0022]).

### ***Response to Arguments***

22. Applicant's arguments filed on 2/7/08 have been fully considered but they are not persuasive.

Regarding applicant's remarks, applicant argues that Knox does not disclose software installed in a computing device that communicate with a token. However, Knox discloses a **software-based** Internet switch/token that regulates Internet service and the switch communicates with the personal computer after installation of software and firmware (Knox:

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[0028]: the browser can communicate with the switch and display amount of time left remaining).

On the other hand, applicant argues that Knox does not disclose a tamper resistant token because the security is provided by the prepaid card and DSL service manager. However, the examiner disagrees. Although the security is provided by the prepaid card and DSL service manager, the actual monitoring and usage controlling is executed on the switch by maintaining usage information allocated by the service provider. Therefore, the security to the switch is required to prevent unauthorized parties to modify parameters set in the switch (Knox: [0027] lines 15-17: the security of the prepaid Internet switch to assure that prepaid customers do not exceed the amount of purchased prepaid Internet service).

### ***Conclusion***

23. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.



Any inquiry concerning this communication or earlier communications from the examiner should be directed to SHIN-HON CHEN whose telephone number is (571)272-3789. The examiner can normally be reached on Monday through Friday 8:30am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on (571) 272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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